

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing  
5 Sections 16-163 and 16-165 as follows:

6 (40 ILCS 5/16-163) (from Ch. 108 1/2, par. 16-163)

7 Sec. 16-163. Board created. A board of 11 members  
8 constitutes the ~~a~~ board of trustees authorized to carry out the  
9 provisions of this Article and is responsible for the general  
10 administration of the System. The board shall be ~~is~~ known as  
11 the Board of Trustees of the Teachers' Retirement System of the  
12 State of Illinois. The board shall be ~~is~~ composed of the  
13 Superintendent of Education, ex officio, who shall be the  
14 president of the board; 4 persons, not members of the System,  
15 to be appointed by the Governor, who shall hold no elected  
16 State office; 4 persons who, at the time of their election, are  
17 teachers~~7~~ as defined in Section 16-106, elected by the  
18 contributing members; and 2 annuitant members elected by the  
19 annuitants of the System, as provided in Section 16-165.  
20 (Source: P.A. 90-511, eff. 8-22-97; 91-941, eff. 2-6-01.)

21 (40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)

22 Sec. 16-165. Board; elected members; vacancies.

23 (a) In each odd-numbered year, there shall be elected 2  
24 teachers who shall hold office for a term of 4 years beginning  
25 July 15 next following their election, in the manner provided  
26 under this Section. An elected teacher member of the board who  
27 ceases to be a teacher as defined in Section 16-106 may  
28 continue to serve on the board for the remainder of the term to  
29 which he or she was elected.

30 (b) One elected annuitant trustee shall first be elected in  
31 1987, and in every fourth year thereafter, for a term of 4

1 years beginning July 15 next following his or her election.

2 (c) The elected annuitant position created by this  
3 amendatory Act of the 91st General Assembly shall be filled as  
4 soon as possible in the manner provided for vacancies, for an  
5 initial term ending July 15, 2001. One elected annuitant  
6 trustee shall be elected in 2001, and in every fourth year  
7 thereafter, for a term of 4 years beginning July 15 next  
8 following his or her election.

9 (d) Elections shall be held on May 1, unless May 1 falls on  
10 a Saturday or Sunday, in which event the election shall be  
11 conducted on the following Monday. Candidates shall be  
12 nominated by petitions in writing, signed by not less than 500  
13 teachers or annuitants, as the case may be, with their  
14 addresses shown opposite their names. The petitions shall be  
15 filed with the board's Secretary not less than 90 nor more than  
16 120 days prior to May 1. The Secretary shall determine their  
17 validity not less than 75 days before the election.

18 (e) If, for either teacher or annuitant members, the number  
19 of qualified nominees exceeds the number of available  
20 positions, the system shall prepare an appropriate ballot with  
21 the names of the candidates in alphabetical order and shall  
22 mail one copy thereof, at least 10 days prior to the election  
23 day, to each teacher or annuitant of this system as of the  
24 latest date practicable, at the latest known address, together  
25 with a return envelope addressed to the board and also a  
26 smaller envelope marked "For Ballot Only", and a slip for  
27 signature. Each voter, upon marking his ballot with a cross  
28 mark in the square before the name of the person voted for,  
29 shall place the ballot in the envelope marked "For Ballot  
30 Only", seal the envelope, write on the slip provided therefor  
31 his signature and address, enclose both the slip and sealed  
32 envelope containing the marked ballot in the return envelope  
33 addressed to the board, and mail it. Whether a person is  
34 eligible to vote for the teacher nominees or the annuitant  
35 nominees shall be determined from system payroll records as of  
36 March 1.

1           Upon receipt of the return envelopes, the system shall open  
2 them and set aside unopened the envelopes marked "For Ballot  
3 Only". On election day ballots shall be publicly opened and  
4 counted by the trustees or canvassers appointed therefor. Each  
5 vote cast for a candidate represents one vote only. No ballot  
6 arriving after 10 o'clock a.m. on election day shall be  
7 counted. The 2 teacher candidates and the annuitant candidate  
8 receiving the highest number of votes shall be elected. The  
9 board shall declare the results of the election, keep a record  
10 thereof, and notify the candidates of the results thereof  
11 within 30 days after the election.

12           If, for either class of members, there are only as many  
13 qualified nominees as there are positions available, the  
14 balloting as described in this Section shall not be conducted  
15 for those nominees, and the board shall declare them duly  
16 elected.

17           (f) A vacancy occurring in the elective membership of ~~on~~  
18 the board shall be filled for the unexpired term by ~~the board~~  
19 ~~with~~ a person qualified for the vacant position, selected by  
20 the remaining elected members of the board.

21           (Source: P.A. 91-941, eff. 2-6-01.)

22           Section 99. Effective date. This Act takes effect upon  
23 becoming law.